



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

275

CRM-M-65057-2025

Date of decision: 22.12.2025

Navin Pathak @ Naveen Pathak

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present : Mr. P.S. Ahluwalia, Senior Advocate with
Mr. Gaurav Jain, Advocate for the petitioner.

Mr. Gautam Thapar, Sr. DAG, Punjab.

AARADHNA SAWHNEY, J.(ORAL)

1. Petitioner, an accused in case bearing FIR No.94 dated 09.10.2018 registered against him at Police Station Shahpur Kandi, District Pathankot, for the commission of offences punishable u/s 420, 120-B of IPC, has prayed for grant of pre-arrest bail.

2. Contents of FIR be noticed hereinbelow:-

To, Hon'ble IG, Border Range, Amritsar, Subject: Regarding committing of cheating of Rs. 7 Crore 20 lakh. Sir, Respectfully prayed that I Nitin Seth (C) S/o Sudesh Seth R/o 14C, Gali No.2, Dayanand Nagar, Lawrence Road, Amritsar. This Arjun Mahajan (co-accused) S/o Ojas Mahajan R/o 14 A RB Parkash Chand Road Amritsar, Near Police Road Amritsar and 5/2017 Dushant Sabharwal (co-accused) S/o Gagan Sabharwal R/o C 112, Vikaspuri New Delhi, Mob. No. 9810738510, 8700941310, Gautam Khanna (co-accused) R/o 614, Bawalpur Society Sector 4 Dwarka New Delhi, Mob. 8468823131 and Naveen Pathak (P) Flat No. 19 C 6 A Society DDA Janakpuri New Delhi, Mob. 9811138777. In the year 2018, May month, they came at All Season Hotel, GT Road Khilchian along with



Dushant Sabharwal and his other accomplices, through one seminar told about BITCOIN to us and our other accompanied friends and stated that whatever the money you will invest through us in our company, then 10% of the return will be given to you. BITCOIN Software's 1.8 BITCOIN Soft will be given after 18 months. The above persons from us and our other friends took from us including BITCOINS and cash approximately Rs. 1 Crore 50 lakh, as today's BITCOIN value is approximately 7 Crore 20 Lakh. The above persons had given to us different BITCOIN KITS and IDs against our BITCOIN and cash. They remained in contact with us through mobile, as soon as the value of our BITCOIN increased, the above persons switched off their mobiles phones and website and the IDs and KITS which were given to us were also disabled. Now, as many times we tried to contact the above persons for our money, they threaten us to kill us. As the above persons cheated us in the name of the above BITCOIN Company. So, kindly initiate legal action against the above persons and justice be provided. Thanking you. Applicant Sd/- Nitin Seth S/o Sudesh Seth R/o 14-C, Gali No.2, Daya Nand Nagar, Lawrence Road, Amritsar Mobile No. 8569000022.

On receipt of complaint, the matter was enquired into by the local police officials, who were of the opinion that petitioner and other co-accused had collected Rs.1 crore 50 lakhs from complainant and Bitcoins, the value of which has increased to 07 crores, as also had issued different IDs and Bitcoin Kits. As soon as the value increased, petitioner and other accused closed the IDs and Bitcoin Kits. It further emerges from documents on record that the investigating officer had called one of the accused to appear before him and to participate in the enquiry proceedings. Accused party, however, chose not to appear.

Based on the complaint and enquiry conducted, a formal case



vide FIR No.94 dated 09.10.2018 u/s 420, 120-B of IPC was registered against the petitioner and other co-accused.

It can further be inferred from the documents that petitioner and other accused were declared 'Proclaimed Offenders' on 16.04.2024. The said order was assailed by petitioner vide CRM-M-53766-2025, which was disposed of by the Coordinate Bench of this Court vide order dated 09.10.2025. The operative portion of which reads as under:-

“13. Given the above and exercising the inherent powers under section 528 BNSS, this Court quashes the impugned order of proclamation, subject to the condition that the petitioner shall appear before the concerned court on or before 25th October 2025, 11 AM and avail his legal remedy and as per undertaking, donate three wheel chairs of good quality in the PGIMER, Chandigarh and handover receipt of the same with copy of bill to the concerned Court.

14. It is clarified that if the petitioner fails to appear before the concerned court within the time limit mentioned in this order, then this order shall be recalled automatically under section 403 read with 528 of BNSS, 2023, without any further reference to this court.

15. It is clarified that this order shall not be construed as an order of bail.”

Admittedly, in term of order dated 16.12.2025, the time period granted to the petitioner to appear before the Court concerned has been extended till 24.12.2025 in CRM-51121-2025.

3. Apprehending his arrest, petitioner moved an application for grant of anticipatory bail before the learned Additional Sessions Judge, Amritsar, the same was dismissed vide order dated 28.10.2025. Aggrieved of which, the present petition has been filed.



4. Learned Senior counsel for the petitioner submits that petitioner has been falsely implicated in the present case. There has been unexplained delay of almost 1 ½ years in lodging the FIR. This intervening period was misused by complainant to concoct facts to suit his convenience. It is further the submission of learned Senior counsel that the story put forth by complainant that he had given Rs.1 crore 50 lakhs in cash to petitioner and other accused also does not appeal to common sense, for no document in support thereof, as in receipt etc. was appended along with the complaint. Attention of the Court has also been drawn to the copy of challan appended along with petition as Annexure P-2, wherein also there is no mention of any document submitted by complainant in support of his aforesaid plea. Learned Senior counsel next contends that no notice was ever served by the IO and the requisite procedural formalities were also not complied with by the Court concerned before petitioner was declared as 'Proclaimed Offender'. The said order already stands quashed by the Coordinate Bench of this Court, vide which liberty has been given to petitioner to surrender before the Court concerned.

Towards the end, learned Senior contends that in the wake of challan having been filed by the IO, custodial interrogation of petitioner is not needed, as nothing is to be recovered from him. Nonetheless, being a law-abiding citizen, petitioner is willing to join the investigation as and when called for by the IO. Primarily on these grounds, it was prayed that concession of pre-arrest bail be granted to the petitioner.

5. *Per contra*, learned State counsel has opposed the request for grant of anticipatory bail and while referring to the status report dated 07.12.2025 filed by way of an affidavit of Mr. Arun Sharma, PPS, Deputy



Superintendent of Police, Amritsar, contends that petitioner who has been absconding for the last 07 years, does not deserve the concession of extraordinary relief of pre-arrest bail. Learned State counsel contends that it is not a stage to critically analyze the evidence/ incriminating material collected by the IO, the appreciation of which would be done by the learned trial Court at an appropriate stage. In the light of seriousness and gravity of the allegations levelled by complainant against petitioner and who all gave false assurances of investing money on the pretext of good return and duped him (C) of his hard-earned money, learned State counsel submits that no case for grant of this exceptional remedy of pre-arrest bail is made out. Dismissal of the petition has been prayed for.

6. I have heard the learned counsel for the parties and gone through the documents on record.

7. Before expressing any opinion on the merits of the rival contentions raised by learned counsel for the petitioner and learned State counsel, it would be appropriate to refer to certain relevant judgments of Hon'ble Supreme Court, wherein the factors to be kept in mind while dealing with an application for grant of anticipatory bail, have been discussed.

Hon'ble the Supreme Court in "**P. Chidambaram vs. Directorate of Enforcement, ((2020) 13 SCC 791)**", has observed as under:-

"67. Ordinarily, arrest is a part of procedure of the investigation to secure not only the presence of *the accused but several other purposes. Power under Section 438 Cr.P.C 1973 is an extraordinary power and the same has to be exercised sparingly. The privilege of the pre-arrest bail should be granted only in exceptional cases. The judicial discretion conferred upon the court has to be properly exercised after application of mind as to the nature and gravity of the accusation; possibility of applicant fleeing justice and other factors to decide whether it is a fit case for grant of anticipatory bail. Grant of anticipatory bail to some extent interferes in*



the sphere of investigation of an offence and hence, the court must be circumspect while exercising such power for grant of anticipatory bail. Anticipatory bail is not to be granted as a matter of rule and it has to be granted only when the court is convinced that exceptional circumstances exist to resort to that extraordinary remedy.”

Hon’ble the Supreme Court while deciding the case titled as **“Ms. X Vs. The State of Maharashtra and another”, (2023 SCC Online SC 279)** held as under:-

“11.1. We propose to take a quick look at the considerations that ought to govern grant of anticipatory bail. There are a line of decisions of this court that have underscored the fact that while deciding an application for bail, the court ought to refrain from undertaking a detailed analysis of the evidence, the focus being on the prima facie issues including consideration of some reasonable grounds that would go to show if the accused has committed the offence or those facts that would reflect on the seriousness of the offence. The self-imposed restraint on delving deep into the analysis of the evidence at that stage is for valid reasons, namely, to prevent any prejudice to the case set up by the prosecution or the defence likely to be taken by the accused and to keep all aspects of the matter open till the trial is concluded.

12. *In Prasanta Kumar Sarkar's case (supra) **Prasanta Kumar Sarkar Vs. Ashish Chatterjee and another**, a Division Bench of this Court had highlighted the factors that ought to be borne in mind while considering the anticipatory bail application and had stated that :-*

"9. We are of the opinion that the impugned order is clearly unsustainable. It is trite that this Court does not, normally, interfere with an order passed by the High Court granting or rejecting bail to the accused. However, it is equally incumbent upon the High Court to exercise its discretion judiciously, cautiously and strictly in compliance with the basic principles laid down in a plethora of decisions of this Court on the point. It is well settled that, among other circumstances, the factors to be borne in mind while considering an application for bail are:

- (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence;*
- (ii) nature and gravity of the accusation;*
- (iii) severity of the punishment in the event of conviction;*



- (iv) *danger of the accused absconding or fleeing, if released on bail;*
- (v) *character, behaviour, means, position and standing of the accused;*
- (vi) *likelihood of the offence being repeated;*
- (vii) *reasonable apprehension of the witnesses being influenced; and*
- (viii) *danger, of course, of justice being thwarted by grant of bail.”*

In *Nikita Jagganath Shetty @ Nikita Vishwajeet Jadhav vs.*

The State of Maharashtra and another, 2025 AIR SC 3375, the Hon’ble Supreme Court held that “*Anticipatory bail is an exceptional remedy and ought not to be granted in a routine manner.*”

8. Factual aspects leading to the lodging of the FIR have already been noted in para 2 of the order. Agreeing with the submissions advanced by learned State counsel, this Court is of the opinion that the presence of the petitioner is needed for custodial interrogation to throw light upon the intricacies involved in the case, as in how many persons are involved in this racket, who all have been duped as also to find out the whereabouts of other co-accused (none of whom have been arrested till date), to recover the money of complainant etc. thus, he (P) has failed to make out a case of exceptional depravity/hardship in his favour, entitling him for the grant of this extra ordinary relief of pre-arrest bail.

9. The petition being devoid of merit, is hereby dismissed.

(AARADHNA SAWHNEY)
JUDGE

22.12.2025

Hemant

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No